

REMARKS

By this amendment, claims 23, 25, 26, 28, 31, 32, 40, 43, 50, 51, 53, 56, 57 and 65 are amended; and claims 68 and 69 are added. Claims 23-69 are pending. Support for the amendments can be found in the application, for example in the previous amendments and in the data tables at pages 10 and 11. No issue of new matter arises.

Priority

The specification is amended to update status of one of the priority applications as a patent. No issue of new matter arises with this amendment.

Claim objections

Claims 25, 31, 32, 40, 50, 56, 57 and 65 were objected to relating to word choice. These claims are amended above in accordance with the Examiner's suggestions. Reconsideration and withdrawal of these objections are respectfully requested.

Rejections under 35 U.S.C. §112, first paragraph

Claims 23-67 were rejected as allegedly lacking enablement relating to the broadest interpretation of the word "preventing". Claims 23 and 43 are amended in accordance with the Examiner's suggestion. Support can be found in the specification as filed, for example, in the data presented at pages 10 and 11. No issue of new matter arises. Reconsideration and withdrawal of this rejection are respectfully requested.

Double Patenting

Claims 23-67 were rejected based on non-statutory obviousness-type double patenting. Applicants respectfully acknowledge this rejection with respect to the present claims, but since no claims are indicated allowable, final wording of the claims is not determined. The need for a terminal disclaimer cannot be determined for claims whose language has not been set. Applicants intend to promptly file a terminal disclaimer naming US patents 6,339,061 and 6,734,164 when allowability of corresponding claims is indicated.

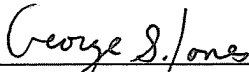
Conclusion

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all pending objections and rejections. Applicants respectfully submit that the application is now in condition for allowance (or will be in condition for allowance upon filing a terminal disclaimer) and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments

Respectfully submitted,



George S. Jones, Reg. No. 38,508
Attorney for Applicant

sanofi aventis U.S. LLC
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626

Docket No. DEAV1999/L042 US CNT1